



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,918	05/14/1999	MICAH CHASE	20160/1	1897

7590

12/26/2001

DAVID D LOWRY
BOX 1P 18TH FLOOR
BROWN RUDNICK FREED AND GESMER PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

LUU, SY D

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/26/2001

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/311,918

Applicant(s)

CHASE ET AL.

Examiner

Sy D Luu

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-20.Claim(s) withdrawn from consideration: NONE.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☒ Other: Note the attached form PTO-892

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

Continuation of 5. does NOT place the application in condition for allowance because:

In the Remarks filed 12/10/2001, Applicants argued that: (a) element 100 in fig. 1 of Farros is completely different from the graphic description file based on said information from a user; (b) Cheng does not disclose a graphic description file being the only file needed for a batch printing process, wherein not all the information needed to print the file is transmitted, i.e. the electronic file does not include standardized graphics or other information. Thus, Cheng teaches away from the idea of transmitting a complete file because Cheng emphasizes the feature of not having to transmit graphics and other information to the printing facility; and (c) both Cheng and Farros suffer from the same problem of what is displayed to the user is not the same as what will be ultimately printed.

The Examiner disagrees for the following reasons:

Per (a), Farros teaches graphic description files that are retrieved and produced from information provided from the user (fig. 1, CXX and EPS files 117 and 119 respectively; col. 5, lines 12-32). Information contained in these graphic description files are also derived from the information contained at the Front-end operations 100 (col. 4, lines 39-48 and 59-63).

Per (b), the teaching that is gleaned from Cheng is the generation and transmission of "one" single electronic file, which is a graphic description file, to the remote printing installation. This single file is all that is needed to transmit to the remote location for printing the desired printed article regardless of the amount and type of information that are contained therein. Therefore, it would have been obvious to apply Cheng's specific teaching of using only a single file for transmission to Farros' system instead of a plurality of files. The motivation would have been to simplify the management of files to be transmitted as well as to improve on the efficiency and compactness of information to be transmitted.

Per (c), by disclosing that the display of pre-printed media on the display to provide the user with an accurate What You See Is What You Get (WYSIWYG) representation (col. 6, lines 58-65), Farros obviously indicates what is displayed to the user is the same as what will be printed.